

Elaine Leasure, Vice-Chairperson called the regular meeting of the Planning Board to order at 7:33 P.M. Planning Board Members present were Chairperson Elaine Leasure, Rick Johnson, Deb Amsler, Karel Ambroz and Marlene Hall (alternate). Zoning Board of Appeals Members present were Chairperson Pamela Knapp, Mike Bagne, Mike Kunzer, Lou Villnova and Robert Plant (alternate). Also present was Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector, Brendan Bystrak, Town Engineer (LaBella Associates), Mark Tayrien (LaBella Engineering), Donald Young, Town Attorney (Boylan Code) and Suzi Mance, Planning Board Liaison.

Karel Ambroz made a motion, seconded by Rick Johnson to approve the minutes of October 14, 2014. Motion carried.

Chairperson Leasure explained that at the last meeting the Planning Board declared its intent to be Lead Agency on the Walworth Apartment Project and asked for a motion.

Karel Ambroz made a motion, seconded by Deb Amsler for the Planning Board to become lead agency for this project.

Roll Vote:	Rick Johnson	Aye
	Elaine Leasure	Aye
	Marlene Hall	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

- 1. Continuation of the public hearing regarding the application of 3655 High Street L.L.C. for Preliminary and Final Site Plan Approval and Special Use Permit for a proposed 52-unit apartment building to be called Walworth Village Apartments located at 3655 High Street. Part of this public hearing will be joint session by the Planning and Zoning Boards of the Town of Walworth specifically to complete Part 2 of the short form SEQR. Property is zoned: Hamlet Districts: Multi-family/Neighborhood Business.**

Don Carpenter said that revised site development plans, trip generation letter and revised architectural floor plans were submitted since the October meeting. In response to initial comments and community feedback at the public hearing the following plan revisions were made:

- Revised site lighting to reflect a more residential fixture, at a lower (12 ft.) mounting height – dark sky compliant
- A relocated entrance drive, to avoid headlight glare directly into the house across High Street
- Providing snow storage area outside of the stormwater management facilities
- Additional foundation plantings and site landscaping
- Reduced the number of parking space to comply with the code
- Revised the stormwater management facilities to comply with accepted water quality practices
- Added a stockade privacy fence along the north and east property line
- Adjusted the front setback to 24 ft. per the town staff's analysis (no longer need a setback variance).

Don Carpenter, Robert Morse Associates, Rochester gave a brief history of the site. In 1985 the Planning Board approved the site for a 36 unit apartment building. The trip generation was 12 vehicles/per minutes. When Alex Tamouselis purchased the property it was in disrepair and considerable effort and money has been expended to demolish the building and install a fence and make it safer, in response to neighborhood concerns. Using the same footprint, a two-story 52 unit apartment building is the most cost effective return on his investment.

Mr. Carpenter said that there have been several changes to the building layout plan, after taking into consideration public comment at the last meeting. The 52 unit building will have 43 single bedroom units (approximately 734 sq. ft.) and 9 two-bedroom units (approximately 976 sq. ft.). Residents will enter from the rear which will be keyed for security. There will be a rental office on the first floor. The second floor will have a laundry room and lounge (community room). Trash rooms with totes will be at each end of both the first and second floors. The entire building will be sprinklered with smoke and fire alarms. The apartments will be air conditioned.

The building is zoned Hamlet which allows for multi-family housing, although a variance will be need for the square footage.

Chairperson Leasure asked for public comment.

James Eastham – 3680 High Street

James Eastham said, "In all due respect, how would you like that building in your backyard?"

Luke Render – 2240 Main Street

Luke Render said that this whole idea of another apartment building is problematic. In the past, police, ambulance and fire department were called 5 to 7 times weekly; sometime twice a day. He also expressed concerns about drainage. Mr. Render said, "I am very unhappy about this, there are way too many units for this size property. I think it is insanity".

Santo Pecora – 2240 Center Street

Santo Pecora expressed a concern about the danger that the increase traffic will bring to the community.

Scott Duvall – 3647 Walworth-Palmyra Road

Scott Duvall questioned if there was a business plan? There was a concern about lower and lower income people moving in. Also, the increased burden on public utilities: sewer, gas, electric, cooling and heating. The increase in the school population, with more traffic and buses on the road was a concern.

Mr. Duvall added, "This is the worst remediation I have ever seen. The place is a dump. They knocked the building down, filled in the basement with rubble and said that is enough. It is not enough. That is all I have to say".

Joe Syracuse – 3664 Walworth-Palmyra Road

Joe Syracuse spoke about the variance request, saying that a variance requires a public hearing and opportunity for community input. The public has spoken loud and clear about their strong concern about the proposal. He stated that the variance request is significant; 42% of the required square footage per unit. Every other home in the neighborhood complies with the square footage requirement. He said that he had less of a concern about the setback variance (that has been taken off the table), but the density issue remains a much bigger concern. He spoke of the negative impact the previous apartments had in the community. He completed his statement by saying, "I hope you hear us tonight".

Lynn Howard – 3640 Main Street

Lynn Howard said that she has concerns about the "senior citizen" designation of 45 years and up. She commented that this age group is probably still working. Many are married and would own two vehicles. Would there be enough parking? Where would visitors park? They could be forced to park in the street. She stated that there are many issues and concerns that still need to be addressed and questions that are unanswered. Fifty-two units are "way too many". Traffic and parking are a major concern. Also, having only one laundry on the second floor is not a great option. Senior citizens are not going to want to cart their laundry down a hall, up to the second floor and back down again. Having a washer and dryer in each apartment would be a better idea. She said that she hoped the Board would listen to the neighbor's concerns.

Colleen Syracuse – 3664 Walworth-Palmyra Road

Colleen Syracuse spoke of the character of the community and her feeling that the proposal will impact the neighborhood in a negative way. Although the diagram of the apartment building layout looks very nice and is surrounded by a green field, this is not the way it will be. The apartments will be surrounded by family homes on all sides. She spoke of the old apartments and the past history that should be considered. There were emergency calls, foot traffic, drugs, murder and prostitution right in the middle of the hamlet. This apartment will affect the entire community, not just the hamlet. For example, if the emergency vehicles are called to the apartments, it could delay response time for others in community. Although she understands that the developer has made a big financial investment, homeowners have also made a financial investment and are working hard to fix up our homes and move the hamlet in the right direction. She asked the Board not to grant approval for the special use permit or the variance.

Robert Henry – 2240 Academy Street

Robert Henry said that the previous apartment building only had about 20 parking spaces and the new plan would increase the asphalt by about 200%. He expressed concern about run-off that could affect his property and others. The lack of a drainage system is a concern.

Isabella Pecora – 2240 Center Street

She said that although she appreciates the changes to the plan that the developer has made, she does not think that the changes will work. The previous apartments did not work out and she doubts the new plan will work out either.

Linda Pecora – 2240 Center Street

Linda Pecora questioned the business plan. She said that the proposal itself does not lend itself to seniors. There is not enough green space, too small of a community area, no help with meal preparation. Although, she understands the developer's need for a positive return of his investment, "there are things more important than money". The neighborhood today is made up of many beautiful old Victorian homes; single and double. The proposal for a 52-unit apartment building will not fit into the character of the neighborhood. She said that neighbors would welcome single-family homes, perhaps townhouses, but certainly not an apartment of this size in such a small area. Her fear is that it would not be rented to seniors and eventually the developer would rent to a lower income population of people, as "some rent is better than no rent". She spoke of all the problems with the previous apartment building and her fear that history would repeat itself. She questioned if the elevator met code for seniors. She said to the Board, "I would hope you will follow the golden rule; if you don't want 52 apartments in your backyard, please don't do it to us."

Don Carpenter clarified that all the units would be ADA compliant for advanced seniors and 5-10% would be fully handicap accessible with roll in showers, etc. The proposal also meets the minimum requirements for the elevators.

Chairperson Leasure asked if there were any further comments from the public prior to closing the public comment portion of the public hearing. There were no further comments from the public.

Chairperson Leasure asked for a motion to close the public hearing.

Karel Ambroz made a motion, seconded by Rick Johnson to close the public hearing. Motion carried.

Phil Williamson responded to a question as to whether the public hearing was a joint public hearing with the Planning Board and the Zoning Board. Mr. Williamson said that it was a Planning Board public hearing, with the Zoning Board in attendance to participate in the discussion and give input. At a previous Zoning Board meeting, the Zoning Board deferred Lead Agency to the Planning Board as the SEQR was not complete. The Zoning Board will have its own public hearing regarding the variance request, after the SEQR is completed. No decisions can be made by either Board, until the SEQR paperwork is completed. The complete package (including the ZBA variance) will be sent to the Wayne County Planning Board prior to any final Walworth Planning Board decision.

Chairperson Leasure asked the Zoning Board for their comments.

Several of the Zoning Board members expressed concern about drainage and the impact on neighboring properties. Mike Kunzer questioned if the existing 8" pipe is large enough. Don Carpenter said that he has located the pipe and plumber will be hired to camera the pipe. Don Carpenter explained in detail the proposal for drainage and stormwater management and answered questions by both boards regarding drainage issues. Mr. Carpenter said that there will be a significant reduction of run-off onto Academy Street with the new proposal as opposed to what exists today. The SWPPP (Stormwater Pollution Prevention Plan) must meet all requirement of the NYSDEC. Karel Ambroz also expressed concern about the impact of runoff onto neighboring properties.

Mike Bagne suggested that the developer work with the Town to improve roadside drainage, especially for the Henry property.

A discussion ensued about the parking and traffic. Deb Amsler commented that her family of two own three vehicles. Rick Johnson agreed, saying that he and his wife will own two cars until they can no longer drive. Also, he struggled with the traffic study numbers, saying the appeared to be outdated and numbers from 30 years ago. If each of the 52 units own two cars, 104 spaces would be needed. The town code (1½ space per unit) would fall short. He added that the narrow streets and lack of sidewalks are not adequate to handle the increase in traffic, in his opinion.

Don Carpenter responded to concerns about the traffic. He said that the traffic counts on Walworth-Marion Road are about 6,200 cars a day. The projected increase of traffic of 32 cars during peak times on High Street is not that much in comparison. The road is designed to handle a higher volume of traffic than 32 per hour and Mr. Carpenter disagreed with those that said it was not.

Marlene Hall was concerned about the senior citizen designation (45 years and up) and whether you can legally restrict renting to individuals that do not fit in that target group. Don Carpenter said this is a private enterprise (funded with private money). Their attorney has been consulted and confirmed that they are not bound by HUD or state funding policies.

Bob Plant expressed concern that if you cannot fill all the apartments with those 45 and older, you will fill them with 35, 25 and 18, because the developer will need to pay the taxes. Don Carpenter said, "We think we can fill them". We will be selective. It is a private enterprise, so it will not be discrimination.

Don Carpenter said that a market study was conducted and that the age group 45 to 60, consisting primarily of pre-retirement, semi-retired or early retirees are growing at a rate of 38% a year. There is a known market of individuals who are often transitioning between lifestyles. They may no longer want the trouble to home ownership and all that goes along with it, yet they are not at the point of needing assisted living. Alex Tamouselis said there is a "niche market" for this type of apartment building. It may not suit everyone that is over 50, but the 750 sq. ft. units could be appealing to widows and widowers, as well as others. There would be an application process (not SSI) and he expressed confidence that the units would be rented to those of "like mind". It is understood that it may take up to 18 months to fill the units, but Mr. Tamouselis is prepared for that. A vacancy rate of 5 to 10% can be expected.

Pam Knapp commented, "If someone can pay the rent I can't believe that you would not rent to them." Regarding renting to those 45 and older, Mike Kunzer said, "This may be nice to say, but there is no guarantee". Pam Knapp also questioned Alex Tamoutselis about the other apartment buildings he owned and his experience managing them and asked if he could provide a list.

John Shields, Carpenter Consulting Group, said it was his understanding that the issuance of a special use permit is a vehicle to set guidelines and offer protections to the residents in the neighborhood and could be modified at a later time.

Don Young, Town Attorney said that he would not be comfortable with conditioning any approval on who should reside in the housing; such as requiring a certain level of income which can be tricky. It is very difficult to pinpoint exactly who will end up residing in the apartments. The applicant has a marketing plan to rent to those 45 and older, but there is no guarantee that the marketing plan will succeed or not. Also, the developer may not even own the property 10 or 20 years down the road.

Mark Tayrien, Director of Planning, LaBella Associates, P.C. explained the SEQR process.

In New York State, government agencies must comply with strict procedures for the review of environmental impacts of proposed projects they approve. The applicant or project sponsor is responsible for the completion of Part 1 of the Short Environmental Assessment Form. Alex Tamoutselis completed Part 1. Part 2 is completed by the Lead Agency (Planning Board). The Planning Board's responsibility is to determine whether one or more adverse environmental impacts may result from approval of the site plan. Part 3 is also completed by the Lead Agency. (Planning Board). For every question in Part 2 that was answered "moderate to large impact may occur", there needs to be an elaboration in writing for the basis of your decision showing that the decision-making body thoroughly analyzed the relevant area of environmental concern (Part 3). Part 3 – completed by the Lead Agency is the determination of significance. Part 3 should explain how the lead agency determined that the impact may or will not be significant. If the Planning Board cannot find any adverse impacts, they may issue a "negative declaration" or Type II action. A negative declaration states that there is not a single adverse impact and the SEQR review is over. If even one question is answered as a "large impact" a "positive declaration" (or Type I action) must be declared. This leads to the preparation of an EIS (Environmental Impact Statement). The EIS is a substantial study that should address all potentially significant environmental concerns in more detail and things that can be done to reduce or offset significant environmental impacts called "mitigations".

LaBella Associates prepared and distributed a summary of the environmental impacts based on the public hearing of October 14, 2014. Mr. Tayrien said that there were seven of the eleven environmental questions in Part 2 that were given a determination of No, or small impact. He asked the Planning Board to discuss those seven items and either agree or disagree to the determination of No, or small impact. He made clear that it was the total responsibility of the Lead Agency (Planning Board) to complete Part 2. After discussion among the Planning Board members, they all agreed on the following.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
Moderate to large impact may occur.
2. Will the proposed action result in a change in the use or intensity of use of land?
Moderate to large impact may occur.
3. Will the proposed action impair the character or quality of the existing community?
Moderate to large impact may occur.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
No, or small impact may occur.
Rationale: There is no Critical Environmental Area within the vicinity.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
Moderate to large impact may occur.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?
No, or small impact may occur.
Rationale: The increase in energy will be commensurate with the number of units being proposed for development. There is nothing unique about the proposed development that would lead to a disproportionate consumption of energy resources.
7. Will the proposed action impact existing:
 - a. Public/private water supplies
 - b. Public/private wastewater treatment utilities?**No, or small impact may occur.**
Rationale: The demand upon water and sewer infrastructure would be commensurate with the number of units being proposed and is well within the capacity of existing systems.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?
No, or small impact may occur.
Rationale: There are no important historical, archaeological or aesthetic resources in the vicinity that would be impacted by the project.
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)?
No, or small impact may occur.
Rationale: There would be no significant impact to wetlands, waterbodies, groundwater, air quality, flora or fauna. The project proposed redevelopment of an existing site within a semi-urban developed setting.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
No, or small impact may occur.
Rationale: The project will not result in an increase in the potential for erosion on site that would be monitored by the contractor and the Town (an MS4 community). Pursuant to the NYS General permit, the applicant will develop a Storm Water Pollution Prevention Plan (SWPPP) to ensure that the standards for water quality and quantity are met. The applicant's contractor will submit a Notice of Intent for permit coverage and weekly inspections will be required for compliance.
11. Will proposed action create a hazard to environmental resources or human health?
No, or small impact may occur.
Rationale: There are no environmental resources that would be put at risk by the project. Removal and redevelopment of the pre-existing and blighting structures and associated asbestos containing material previous found upon the site may actually have a positive influence on human resources.

The Planning Board members discussed questions 1, 2, 3, and 5 of Part 2 SEQR as to whether there is a moderate or large impact and the rationale behind the decision. Discussion ensued among the Planning Board members. The following conclusions were reached.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
Large impact may occur.
Rationale: Large because the 52 units proposed is more than twice the square footage allowed by the present day zoning requirements.
2. Will the proposed action impair the character or quality of the existing community?
Large impact may occur.
Rationale: Large because the 78 parking spaces proposed is significantly more than the approximate 20 parking spaces at the former apartment building.
3. Will the proposed action impair the character or quality of the existing community?
Moderate impact may occur.
4. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
Large impact may occur.
Rationale: It would be a large impact for the following reasons: lack of infrastructure, blind curve, and the flow of traffic an area of residential homes is more the neighborhood can handle, lack of sidewalks.

The Town Attorney will polish up the rationale for the four items that the Planning Board felt had a large environmental impact. The SEQR paperwork will be discussed at future a Planning Board Meeting. The Zoning Board public hearing will not be held until the SEQR is completed; including Long Form SEQR and EIS (Environmental Impact Statement), if necessary.

Chairperson Leasure adjourned the meeting at 9:46 P.M.

Gail Rutkowski, Clerk